

4523
1 BILL NO. G-79-07-30

2 GENERAL ORDINANCE NO. G-27-79.

3 AN ORDINANCE amending General Ordinance
4 No. G-97 by authorizing the vacation of
5 certain alley east of Beacon Street.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. Petition for the vacation of a certain alley having
9 been filed with the Fort Wayne City Plan Commission in accordance with
10 Section 44, Chapter 174, of the Acts of the General Assembly of the State
11 of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
12 the General Assembly of the State of Indiana (I.C. 18-7-5-46), the
13 Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by
14 the Common Council of the City of Fort Wayne on November 26, 1963, is
15 amended by deleting the following alley, to wit:

16 First alley North of State Street from the East property line
17 of Beacon to its Eastern terminus.

18 SECTION 2. After passage of this Ordinance, approval by the
19 Mayor and legal publication, a duly certified copy of this Ordinance, of
20 the recommendation of the Fort Wayne City Plan Commission, and of the
21 action of the Mayor, shall be transmitted by the City Clerk to the Board
22 of Public Works of the City of Fort Wayne, Indiana.

23 SECTION 3. That this Ordinance shall be in full force and effect
24 from and after its passage, approval by the Mayor and legal publication
25 thereof.

26 
27 Councilman

28
29
30
31
32 APPROVED AS TO
FORM & LEGALITY


William N. Salin, City Attorney

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.
DATE: 7-24-79 Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.
PASSED (lost) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	_____	_____	<u>2</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	<u>✓</u>	_____
<u>MOSES</u>	_____	_____	_____	<u>✓</u>	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-11-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE
(RESOLUTION) No. 12-27-79 on the 11th day of December 1979.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1979, at the hour of 2:30 o'clock P. M., E.S.T.
Charles W. Westerman
CITY CLERK

Approved and signed by me this 14th day of December, 1979
at the hour of 10 o'clock A. M., E.S.T.

Robert E. Cranshaw
MAYOR

Bill No. G-79-07-30

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation
of certain alley east of Beacon Street

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

12-11-79
DATE

CONCURRED IN

CHARLES W. WESTERMAN, CITY CLERK

WHEREAS, ANTHANASIOS PAPPAS, OURANIA PAPPAS, BARRINGTON REALTY, INC., and BEACON BUILDING INC., have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, to-wit:

First alley North of State Street from the East property line of Beacon to its Eastern terminus

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-6-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Wrks that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN)

SS:

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held Wednesday, December 5, 1979 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 5th DAY OF Dec. 1979

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg, Chairman

Ethel H. LaMar, Member

Max G. Scott, Member

RESOLUTION

WHEREAS, ANTHANASIOS PAPPAS, OURANIA PAPPAS, BARRINGTON REALTY, INC., and BEACON BUILDING INC., have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

First alley North of State Street from the East property line of Beacon to its Eastern terminus

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 20, 1979 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described and be the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Thomas G. Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 27, 1979, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4th DAY OF December 19 79

FORT WAYNE CITY PLAN COMMISSION

Thomas G. Adams

Thomas G. Adams
Secretary

Mail tax bills to:

2811 East State Blvd.
Fort Wayne, IN 46805

CORPORATE DEED

THIS INDENTURE WITNESSETH, That BARRINGTON REALTY, INC.

("Grantor"), a corporation organized and

existing under the laws of the State of XXXXXXXXXX

~~XXXXXXXXXX~~ RELEASES AND QUIT CLAIMS (strike one) to ATHANASIOS PAPPAS

and OURANIA PAPPAS of Allen County, in the State of

Indiana, in consideration of One Dollar (\$1.00) and other good

and valuable consideration, the receipt of which is hereby acknowledged, the

following described real estate in Allen County, in the State of Indiana, to-wit:

Grantor hereby conveys any and all right, title and interest which they may have to any part of the North 7 feet of a 14 feet in width alley dedicated between Lots 1 and 2 according to the Plat of Squires Addition as recorded by Plat Book 17, page 10.

Grantor hereby certifies that there is no Indiana Gross Income Tax due by virtue of this transaction.

The undersigned person(s) executing this deed represent(s) and certify (certifies) on behalf of the Grantor, that (each of) the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this _____

day of October 12, 1979 BARRINGTON REALTY, INC.

By [Signature] (Name of Corporation)

By [Signature]

Lettie M. Glover, Sec'y.-Treas.

Steven A. Hobbs, President

(Printed Name, and Office)

(Printed Name, and Office)

STATE OF INDIANA }
COUNTY OF ALLEN }

SS:

Before me, a Notary Public in and for said County and State, personally appeared _____

Lettie M. Glover and Steven A. Hobbs the Secretary-Treasurer

and President, respectively of Barrington Realty, Inc.

who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 12 day of October, 1979.

My Commission Expires:

Signature [Signature]

Printed [Signature], Notary Public

This instrument prepared by Ivan A. Lebamoff, Attorney at Law.

Mail to: Ivan A. Lebamoff, 1416 A.W.B. Bldg., Fort Wayne, IN 46802

Mail tax bills to:

2811 East State Blvd.
Fort Wayne, IN 46805

CORPORATE DEED

THIS INDENTURE WITNESSETH, That BEACON BUILDING, INC.

_____ ("Grantor"), a corporation organized and
existing under the laws of the State of _____

~~XXXXXXXXXX~~ RELEASES AND QUIT CLAIMS (strike one) to ATHANASIOS PAPPAS
and OURANIA PAPPAS of Allen County, in the State of
Indiana, in consideration of One Dollar (\$1.00) and other good
and valuable consideration, the receipt of which is hereby acknowledged, the
following described real estate in Allen County, in the State of Indiana, to-wit:

Grantor hereby conveys any and all right, title and interest
which they may have to any part of the North 7 feet of a 14
feet in width alley dedicated between Lots 1 and 2 according
to the Plat of Squires Addition as recorded by Plat Book 17,
page 10.

Grantor hereby certifies that there is no Indiana Gross Income
Tax due by virtue of this transaction.

The undersigned person(s) executing this deed represent(s) and certify (certifies) on behalf of the Grantor,
that (each of) the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper
resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in
good standing in the State of its origin and, where required, in the State where the subject real estate is situate;
that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate
action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 11th

day of October, 19 79 BEACON BUILDING, INC.

By Gerald F. Wagner By Ralph E. Beard
Gerald F. Wagner, Treasurer Ralph E. Beard, President

(Printed Name, and Office)

(Printed Name, and Office)

STATE OF INDIANA }
COUNTY OF ALLEN } SS:

Before me, a Notary Public in and for said County and State, personally appeared Gerald F.
Wagner and Ralph E. Beard the Treasurer
and President, respectively of Beacon Building, Inc.

who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly
sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 11th day of October, 1979.

My Commission Expires: _____ Signature _____

November 3, 1979 Printed Ellen Jane Luellen, Notary Public

This instrument prepared by Ivan A. Lebamoff, Attorney at Law.

Mail to: Ivan A. Lebamoff, 1416 A.W.B. Bldg., Fort Wayne, IN 46802

DISTRIBUTION EASEMENT

Indiv. & Corp.

W.O. No. _____

Eas. No. _____

Map No. _____

Overhead & Underground

THIS INDENTURE, made this _____ day of August, 19 79,
between Athanasios and Ourania Pappas, husband and wife

whose address is 2811 East State Blvd., Fort Wayne, IN 46805

(hereinafter called "Grantor"), and INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana Corporation
whose address is 2101 Spy Run Avenue, Fort Wayne, Indiana, (hereinafter called "Grantee").

WITNESSETH: That for One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee a right-of-way and easement for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy, including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the following described premises situated in St. Joseph Township, County of Allen, State of Indiana, and being a part of Section 31, Township 31 N, and Range 13 E, to-wit:

The first alley, north of State Street from the east property line of Beacon Street to its eastern terminus (said alley to be vacated); also described as the 14 foot wide alley lying between lots numbered 1 and 2 in Squires Addition to the City of Fort Wayne.

TOGETHER with the right of ingress and egress to, from, and over said Premises, and also the right to cut or trim any trees and bushes which may endanger the safety or interfere with the construction and use of said power line.

Grantee shall promptly repair or replace all physical damages on the Premises proximately caused by the construction, operation and maintenance of Grantee's Facilities.

It is agreed that the foregoing is the entire contract between the parties hereto and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representatives, heirs, successors, and assigns.

IN WITNESS WHEREOF, Grantor, if individual(s), ha ~~ve~~ hereunto set their hand s; and if corporation, has caused its corporate name and seal to be affixed by its duly authorized officers, the day first above written.

Signed, Sealed and Delivered in Presence of

[Signature]

Athanasios Pappas
Athanasios Pappas
Ourania Pappas
Ourania Pappas

STATE OF INDIANA

County of.....

ss:

Be it remembered that on the..... day of....., 19..... before the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared..... President of the..... Company, and acknowledged the execution of the foregoing instrument on behalf of said Company, as the voluntary act and deed of said Company for the uses and purposes therein set forth, and said officer, having been duly sworn, swears that the statements contained therein relating to Indiana gross income tax are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.
My Commission Expires

....., 19.....

Notary Public

STATE OF MICHIGAN,

County of.....

ss:

On This..... day of.....
in the year of our Lord one thousand nine hundred and.....
before me, a..... in and for said County
appeared..... to me personally
known, who, being by me duly sworn, did..... say that
..... the
of
the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said
..... acknowledged said instrument to be the
free act and deed of said corporation.

Notary Public, County, Michigan
My commission expires , 19.....

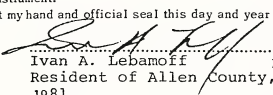
STATE OF INDIANA

Allen..... County

ss:

Before me..... Ivan A. Lebamoff....., a Notary Public in and for said
County and State, this..... day of..... August....., 1979., personally appeared
the above named..... Athanasios Pappas and Ourania Pappas.....
and acknowledged the execution of the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year above written.


Ivan A. Lebamoff Notary Public.
Resident of Allen County, IN

My commission expires July 29....., 1981.

STATE OF MICHIGAN

County of.....

ss:

On this..... day of....., 19....., before me personally appeared
.....
to me known to be the person.....described in and who executed the within instrument, and acknowledged
that..... executed the same as..... free act and deed.

....., Notary Public
..... County, Michigan

My commission expires....., 19.....

GRANT OF EASEMENT

THIS INDENTURE WITNESSETH THAT:

of Allen County, State of Indiana, hereinafter referred to as "GRANTOR", for and in consideration of One Dollar, receipt of which is hereby acknowledged, does hereby grant, quit-claim, and convey to the CITY OF FORT WAYNE, hereinafter referred to as "GRANTEE", a permanent easement and right-of-way to construct, operate, control, maintain, reconstruct, and remove a sewer line, along and across the following described real property, located in Allen County, State of Indiana, to wit:

The North seven (7) feet of a 14 feet in width alley dedicated between lots 1 and 2 according to the plat of Squires Addition as recorded by Plat Book 17, Page 10.

This sewer easement is required due to vacation of alley.

Grantor certifies under oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

EXECUTED THIS 16 DAY OF November 1979.

Athanasios Pappas
Athanasios Pappas
Ourania Pappas
Ourania Pappas

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared Athanasios Pappas and Ourania Pappas who acknowledged the execution of the foregoing Grant of Easement, as and for voluntary act and deed, for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 16 day of November 1979.

MY COMMISSION EXPIRES:

July 29, 1981

Ivan A. Lebamoff
Ivan A. Lebamoff, Notary Public
Resident of Allen County, IN

This instrument prepared by: Philip R. Boller

THIS INDENTURE WITNESSES that the undersigned Athanasios Pappas and Ourania Pappas, husband and wife,
(hereafter referred to as the Grantor, whether one or more) in consideration of the sum of

One Dollar (\$1.00) _____ and
other valuable consideration, the receipt and sufficiency of which is hereby acknowledged,
hereby sells, grants, conveys and warrants unto GENERAL TELEPHONE COMPANY OF INDIANA, INC.,
its successors and assigns (hereafter referred to as the Grantee), a perpetual easement and
right, to install, construct, operate, patrol, maintain, repair, revise, supplement, remove
and replace, telecommunications lines, systems and facilities, including without limitation
all poles, attachments, anchors, wires, cables, conduits, manholes, and all other fixtures
or components at any time forming parts of or used in connection therewith, in, under,
along, over and above the following described real estate located in Section 31
Township 31 N _____, Range 13 E _____, in
Allen _____ County, Indiana:

The first alley, north of State Street from the east property
line of Beacon Street to its eastern terminus (said alley to
be vacated); also described as the 14 foot wide alley lying
between lots numbered 1 and 2 in Squires Addition to the City
of Fort Wayne.

expressly including the right of access to the above-described real estate, over
adjacent lands of the Grantor, and the right and privilege at any time, and from time
to time, to cut and trim trees growing upon or overhanging said real estate, and to clear
and remove from said real estate any and all timber, brush, debris and other obstructions
at any time located thereon which, in the Grantee's judgment, should be removed to prevent
interference with said telecommunications lines, systems and facilities.

The Grantee shall be responsible and shall compensate the Grantor for any damages
to fences, crops or other property of Grantor, caused either by the original construction
of said lines, systems and facilities, or by any subsequent activities of or on behalf
of the Grantee in connection with said lines, systems and facilities.

The Grantor warrants that no building or structure will be constructed at any time
upon said real estate, except fences, driveways or streets. Grantor covenants to notify
Grantee before any construction of any fence, driveway or street, or any change in eleva-
tion or grade of the land surface, is begun. In all other respects the Grantor reserves
the right to use said real estate in any manner not inconsistent with this grant.

In witness whereof the Grantor has executed this indenture, this _____
day of August _____, 19 79.

Athanasios Pappas
Athanasios Pappas

Ourania Pappas
Ourania Pappas

State of Indiana) _____
) SS:
Allen County)

Before me, a notary public in and for said county and state, this day appeared the
above-named Athanasios Pappas and Ourania Pappas
and acknowledged the execution of the foregoing indenture.

Witness my hand and notarial seal this _____ day August _____, 19 79.

My Commission Expires:
July 29, 1981

Ivan A. Lebamoff Notary Public
Resident of Allen County, IN

THE GRANTEE CERTIFIES UNDER
OATH THAT NO INDIANA GROSS
INCOME TAX IS DUE OR PAYABLE IN
RESPECT TO THE TRANSFER MADE
BY THIS DEED

fort wayne
cablevision



3205 north wells street
fort wayne, indiana 46808
219-424-8409

Ivan Lebanoff, Attorney at Law
1416 Anthony Wayne Bank Building
Fort Wayne, Indiana 46805

July 23, 1979

Dear Mr. Lebanoff:

Per our conversation of July 16, 1979 pertaining to the vacation of the first alley north of State Street, from the east property line of Beacon Street, to its eastern terminus. We will be placing our facilities on the existing utility poles. If the power or telephone companies were to vacate their pole lines in the future, Fort Wayne Cablevision would then need the easement to continue serving its customers in the area.

Respectfully,

Charles P. Davis Jr.
Chief Construction Engineer

CD/dc

RECEIPT

Date May 21 1979 No. 10774Received From Pappas Commercial CenterAddress 2811 East StateFifty + No Dollars \$ 500For Alley Vacation

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT	<u>50-</u>		CASH		
AMT. PAID	<u>50-</u>		CHECK <input checked="" type="checkbox"/>	<u>100</u>	<u>4</u>
BALANCE DUE	<u>—</u>		MONEY ORDER		

By S. BakerWONNA

LAW OFFICES

LEBAMOFF & ASSOCIATES

IVAN A. LEBAMOFF
NANCY G. ESHCOFF
KENNETH R. SCHEIBENBERGER

1416 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802

219-423-2581
CABLE ADDRESS:
LEBAMOFF, FORT WAYNE

May 14, 1979

Certified Mail -
Return Receipt Requested

Ursula Miller, Executive Secretary
Board of Works, City of Ft. Wayne
City-County Building
Fort Wayne, IN 46802

Re: Vacation of Alley

Dear Ursula:

Several months ago I talked to you regarding a Petition to Vacate Alley on East State Street. Finally, the Petition has been executed.

The major property owners have signed. You will notice that we have Hostettler's Radio and Television Sales and Services listed but they no longer own property in that area and are no longer located in that area.

I would appreciate your following through with the processing of this Petition and advising me as to what else I ought to be doing at this particular time.

I would appreciate the courtesy of your call, bringing me up to date on this matter.

Very truly yours,


Ivan A. Lebamoff

IAL/mjs

Enclosure: 1

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned Petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public alley within the City of Fort Wayne, Indiana, and hereby described as follows:

First alley North of State Street from the East property line of Beacon to its Eastern terminus.

In support thereof, your Petitioners would represent as follows:

1. That they are the owners of the real estate butting both sides of the alley;
2. That the alley is not necessary as ingress or egress to other properties whatsoever;
3. That said alley is unopened and unimproved;
4. That no other person, firm or corporation is interested in or affected by the requested vacation; and
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and its citizens thereof.

Your Petitioners file this petition pursuant to the authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your Petitioners pray that the above

described alley be vacated according to the provisions of the Indiana law pertaining thereto.

DATED this 30 ^{may} day of ~~December~~, 1978.

ADDRESS:

2811 E. STATE BLVD.

Athanasios Pappas
2811. E. STATE

Athanasios Pappas
ATHANASIOS PAPPAS

Ourania Pappas
OURANIA PAPPAS

ADDRESS:

HOSTETLER RADIO AND TELEVISION
SALES AND SERVICE

By _____

ADDRESS:

BARRINGTON REALTY, INC.

2320 BEACON ST.

By

Stuart A. Hols - President
Lettie M. Hols, Secy-Treas.

ADDRESS:

^{BUILDING}
BEACON BUILDERS, INC.

2330 Beacon

By

Gerald F. Wagner - Treas.
Ralph E. Seera - Pres.

PETITIONERS

4647

DIGEST SHEET

Admn. Appr. _____

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-79-10-08

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE An area bounded on the North by Greenlawn Avenue;on the South by Putnam Street; on the West by Sherman Boulevard and on the East by
Hensch Street.EFFECT OF PASSAGE Property is now zoned R-2 - Two Family Residential.Property will become R-1 - Single Family Residential.EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -- room 122

December 17, 1979

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of December 21 and December 28, 1979, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Zoning Map Ordinances:

Bill No. Z-78-11-62
Zoning Map No. Z-27-79

Bill No. Z-79-10-07
Zoning Map No. Z-28-79

Bill No. Z-79-10-08
Zoning Map No. Z-29-79

Vacation of Alley

Bill No. G-79-07-30
General Ordinance No. G-27-79

Please send us 12 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,
Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-78-11-62 -- Zoning Map Ordinance No. Z-27-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-30

Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-10-07 -- Zoning Map Ordinance No. Z-28-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-7

Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-10-08 -- Zoning Map Ordinance No. Z-29-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Z-29-79

Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-79-07-30 -- General Ordinance No. G-27-79, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of certain alley east of Beacon Street

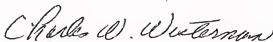
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-11-62 -- Zoning Map No. Z-27-79; Bill No. Z-79-10-07 -- Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 -- Zoning Map Ordinance No. Z-29-79; Bill No. G-79-07-30 -- General Ordinance No. G-27-79, were passed by the Common Council on the 11th day of December, and said Ordinances were duly signed and approved by the Mayor on the 14th day of December, 1979, and now remains on file and on record in my office.

Copies of said Bill No. Z-78-11-62 -- Zoning Map No. Z-27-79; Bill No. Z-79-10-07 -- Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 -- Zoning Map Ordinance No. Z-29-79 and Bill No. G-79-07-30 -- General Ordinance G-27-79 will be posted in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East of the Allen County Court House

Copies of said Bill No. Z-78-11-62 -- Zoning Map No. Z-27-79; Bill No. Z-79-10-07 -- Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 -- Zoning Map Ordinance No. Z-29-79 and Bill No. G-79-07-30 -- General Ordinance No. G-27-79 will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana



Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinance in the designated places as stated above on December 21, 1979.



Charles W. Westerman
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To JOURNAL GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head	number of lines	
Body	number of lines	94
Tail	number of lines	2
Total number of lines in notice		96

COMPUTATION OF CHARGES

96	lines,	1	columns wide equals	96	equivalent lines at	2594	\$	24.86
cents per line								

Notices containing rule or tabular work (50 per cent of above amount)

Proofs of publication (50 cents for each proof in excess of two)

10 extra 5.00

AMOUNT OF CLAIM.

\$ 29.86

DA Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-78-11-62 - Zoning Map Ordinance No. Z-27-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-30.

DA Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-10-07 - Zoning Map Ordinance No. Z-28-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 6-7.

DA Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-79-07-30 - General Ordinance No. G-27-79, being AN ORDINANCE amending General Ordinance No. G-27-79, by authorizing the vacation of certain alley east of Beacon Street.

Purs Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-79-07-30 - General Ordinance No. G-27-79, being AN ORDINANCE amending General Ordinance No. G-27-79, by authorizing the vacation of certain alley east of Beacon Street.

I hereby certify that the amount claimed is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-11-62, Zoning Map Ordinance No. Z-27-79; Bill No. Z-79-10-07 - Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 - Zoning Map Ordinance No. Z-29-79; Bill No. G-79-07-30 - General Ordinance No. G-27-79, were passed by the Common Council on the 11th day of December, and said Ordinances were duly signed and approved by the Mayor on the 14th day of December, 1979, and now remains on file and on record in my office.

Copies of said Bill No. Z-78-11-62 - Zoning Map No. Z-27-79; Bill No. Z-79-10-07 - Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 - Zoning Map Ordinance No. Z-29-79; and Bill No. G-79-07-30 - General Ordinance G-27-79 will be posted in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City-County Building

(2) The Bulletin Board in the lobby of the Downtown Fort Wayne Public Library

(3) The bulletin board in the lobby at the East of the Allen County Court House

Copies of said Bill No. Z-78-11-62 - Zoning Map No. Z-27-79; Bill No. Z-79-10-07 - Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 - Zoning Map Ordinance No. Z-29-79; and Bill No. G-79-07-30 - General Ordinance G-27-79 will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) Reference Room in the north end of the main floor in said Downtown Public Library

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

CHARLES W. WESTERMAN
City Clerk

Date Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, says that she is, CLERK

JOURNAL GAZETTE

DAILY

a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

12/21 - 12/28/79

Subscribed and sworn to before me this 28 th day of December 19 79

My commission expires September 28, 1983

Notary Public

Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____

Body number of lines 94

Tail number of lines 2

Total number of lines in notice 96

COMPUTATION OF CHARGES

96 lines, 1 columns wide equals 96 equivalent lines at 25.94 \$ 24.86
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 10 extra 5.00

TOTAL AMOUNT OF CLAIM.

\$ 29.86

DATA FOR COMPUTING COST

Width of single column 9.9 cms

Size of type 5 1/2 pointNumber of insertions 2Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

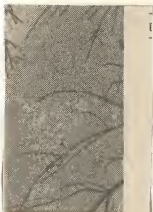
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Dec. 28 79Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, saysthat she is CLERK of theJOURNAL-GAZETTEa DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:12/21 - 12/28/79Subscribed and sworn to before me this 28 day of December 19 79My commission expires Sept mber 28, 1983

Notary Public



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Fort Wayne Common Council

(Governmental Unit)

To **NEWS SENTINEL** Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

COMPUTATION OF CHARGES**96****1****96**lines, columns wide equals equivalent lines at **.259¢****24.86**

containing rule or tabular work (50 per cent of above amount)

publication (50 cents for each proof in excess of two)

10 extra**5.00**

OF CLAIM.

29.86

DATA

cms

Size of type **5 1/2** pointSize of quad upon which type is cast **5 1/2**

Pursuant

Ch. 89., Acts 1967.

I hereby

has been

is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Date

Title **CLERK****PUBLISHER'S AFFIDAVIT**State of Indiana
Allen County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned **D. Roose**, who, being duly sworn, says that she is **CLERK** of the **NEWS SENTINEL****NEWS SENTINEL****DAILY**a **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows:**12/21 - 12/28/79**

Subscribed and sworn to before me this

28 th

day of

December 19 **79**

Notary Public

My commission expires

September 28, 1983

Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-11-42 - Zoning Map Ordinance No. Z-27-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-30.

Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-10-07 - Zoning Map Ordinance No. Z-28-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-7.

Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-10-08 - Zoning Map Ordinance No. Z-29-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Z-29-79.

Notice is hereby given that on the 11th day of December, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-79-07-30 - General Ordinance No. G-27-79, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of certain alley east of Beacon Street, City of Fort Wayne, Indiana do hereby certify that Bill No. Z-79-11-62, Zoning Map No. Z-27-79; Bill No. Z-79-10-07 - Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 - Zoning Map Ordinance No. Z-29-79; Bill No. G-79-07-30 - General Ordinance No. G-27-79, were passed by the Common Council on the 11th day of December, and said Ordinances were duly signed and approved by the Mayor on the 14th day of December, 1979, and now remains on file and on record in my office.

Copies of said Bill No. Z-79-11-42 - Zoning Map No. Z-27-79; Bill No. Z-79-10-07 - Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 - Zoning Map Ordinance No. Z-29-79 and Bill No. G-79-07-30 - General Ordinance G-27-79 will be posted in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City-County Building

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(3) The bulletin board in the lobby at the East of the Allen County Court House

Copies of said Bill No. Z-79-11-42 - Zoning Map No. Z-27-79; Bill No. Z-79-10-07 - Zoning Map Ordinance No. Z-28-79; Bill No. Z-79-10-08 - Zoning Map Ordinance No. Z-29-79 and Bill No. G-79-07-30 - General Ordinance No. G-27-79 will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

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CHARLES W. WESTERMAN
City Clerk

Fort Wayne Common CouncilTo..... **NEWS-SENTINEL**Dr.

(Governmental Unit)

Allen

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

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Body number of lines

Tail number of lines

Total number of lines in notice

94**2****96****COMPUTATION OF CHARGES**

96 lines,	1 columns wide equals	96 equivalent lines at	.2594	\$ 24.86
cents per line				

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

10 extra**5.00****29.86****TOTAL AMOUNT OF CLAIM.****DATA FOR COMPUTING COST**

Width of single column 9.9 cms

Size of type..... $5\frac{1}{2}$ pointNumber of insertions..... **2**Size of quad upon which type is cast..... $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date **Dec. 28** **79**Title..... **CLERK****PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS.Personally appeared before me, a notary public in and for said county and state, the undersigned..... **D. ROOSE**who, being duly sworn, says that she is..... **CLERK**of the**NEWS-SENTINEL****DAILY**a..... **DAILY**newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** town of.....in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for..... **two times**the dates of publication being as follows:**12/21 - 12/28/79**Subscribed and sworn to before me this **28** **th** day of **December** **19** **79**My commission expires..... **September 26, 1983**

Notary Public